

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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ANNETTE BROWN,

Plaintiff,

-against-

STARRETT CITY ASSOCIATES, et al.,

Defendants.
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**MEMORANDUM
AND ORDER**

09-CV-3282 (JBW)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Despite having been afforded 18 days to file objections to this Court's ruling on plaintiff's fees and costs, see Memorandum and Order (Oct. 27, 2011) at 19, ECF Docket Entry ("DE") #89, defendants now request a 32-day extension of the November 14th deadline for filing such objections. See Letter Motion for Extension (Nov. 3, 2011) ("Def. Motion"), DE #90; Reply to Response to Motion (Nov. 4, 2011) ("Def. Reply"), DE #92. Plaintiff's counsel, who was not consulted about the extension, objects to defendants' request. See Reply in Opposition (Nov. 4, 2011) ("Pl. Opp."), DE #91. For the reasons that follow, defendants' application is denied except to the limited extent described below.

As an initial matter, defendants' counsel should have conferred first with plaintiff's counsel about the request and disclosed to the Court plaintiff's position thereon. On that basis alone, the Court would be justified in denying defendants' request in its entirety.

Furthermore, a 50-day period for filing objections is unreasonably long. As justification for their request, defendants cite the 30-day "turnaround time" for transcribing the trial transcripts. See Def. Motion. However, defendants' need for the trial transcript is undermined by the fact that they litigated the fee issue before this Court without a transcript of

the entire trial. Indeed, as plaintiff observes, defendants should not be permitted to advance in the District Court any arguments based upon the trial record that were not presented to this Court. See Pl. Opp. In any event, defendants have the ability to secure the trial transcript in far less than 30 days: by ordering only portions of the trial transcript and/or ordering the transcript on an expedited basis.¹

The Court will extend the November 14th deadline but only until November 21, 2011. Defendants' application is otherwise denied.

SO ORDERED.

**Dated: Brooklyn, New York
November 4, 2011**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**

¹ According to plaintiff's counsel, "a large segment of the trial transcript" (July 7 and July 8) ha[s] been completed" and is in his office. Pl. Opp. Contrary to defendants' reply, plaintiff's counsel did *not* "state[] in his letter" that he had "provided [defense counsel's] office" with those transcripts. Compare Def. Reply with Pl. Opp.